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| 09/938,252      | 08/23/2001  | Makoto Kawamura      | 450100-3584.1       | 2011             |

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2621

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,252

Applicant(s)

KAWAMURA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 94-161 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 94-161 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 8/23/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 124-138, are rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 94-161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson et al (WO/95/12275) in view of Taira et al.

Cookson et al discloses a video reproducing apparatus that shows substantially the same limitations recited in claim 94, including the feature of the video information representative of a coded video program (See Cookson et al's Figure 8), the feature of the control information for displaying a plurality of versions of recorded video program and wherein the control information includes address information indicative of the locations of portions of the video information that are sequentially accessed to generate the version (See Cookson et al's claim 2), and the feature of multiplexing the control information with the video information and, positioning the control information at an entry point of the video information as specified in the present claim 94. (See Cookson et al's Figures 7a-b, and the corresponding disclosure where it is shown control information and video data in the block).

Cookson et al fails to specifically disclose the feature of the control information packet being positioned directly following an entry point of the video information as specified in the present claim 94.

Taira et al does disclose a recording medium having video information recorded thereon and the feature of the control information packet being positioned directly following the entry of the video information on the recording medium as claimed in the

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present claim 94. (See Taira et al's Figure 7, components 97, and 99, and Figure 5, components 82, and 84).

It would have been obvious to one skilled in the art to modify the Cookson et al's apparatus wherein the recording medium having the video information and the control information provided thereof would incorporate the capability of having the control information packet positioned directly following the entry point of the video information on the recording medium in the same conventional manner as is shown by Taira et al. The motivation is to increase the accessing speed during reproduction operation as suggested in the prior art.

With regard to claims 95, 101, 107, 113, 119, 125, 130, the feature of the video information including intracoded and interceded pictures as specified thereof is present in Cookson et al. (See Cookson et al's Figure 8).

With regard to claims 96-97, 102-103, 108-109, 114-115, 120-121, 126-127, 131-132, the feature of the address information being indicative of entry point for at least one of the versions as specified thereof is present in Cookson et al. (See Cookson et al's claim 2).

With regard to claims 98, 104, 110, 116, 122, 128, 133, the feature of the control information including the playtime information for at least one of the versions as specified thereof is present in Cookson et al. (See Cookson et al's page 31, lines 3-25, and page 32, lines 13-19).

With regard to claims 99, 105, 111, 117, 123, 134, the feature of the version generated according to a rating level as specified thereof is present in Cookson et al. (See Cookson et al's page 29, lines 4-15).

With regard to claims 100, 106, 124, it is noted that Cookson et al discloses all the features recited thereof, including the feature of having the multiplexed signal of the coded video data and the control information being recorded on the recording medium as specified in the present claims 100 and 106. (See Cookson et al's Figures 7a-b, and the corresponding disclosure, where it is shown control information and video data in the block recorded on the recording medium).

With regard to claims 135, 139, 143, 147, 151, and 155-161, it is noted that Cookson et al discloses substantially the same features recited thereof, including the feature of having the multiplexed signal of the coded video data and the control information being recorded on the recording medium as specified in the present claims 135, 139, and 143; and further, the reproduction feature recited in claims 147, 151 and 155-161. (See Cookson et al's Figures 7a-b, and the corresponding disclosure, where it is shown control information and video data in the block recorded on the recording medium, and further, see Cookson et al's Figure 2, and claim 2).

It is noted that Cookson et al fails to specifically disclose the feature of the path information including positional information of a previous section entry point and a next section start address of a next section to be reproduced following reproduction of a currently reproduction section as specified in the present claims 135, 139, 143, 147, 151, and 155-161.

Saita et al discloses a recording/reproducing apparatus which includes program chain navigational control information for controlling the reproduction of the recorded program on the recording medium. It is noted that said navigational control information includes the feature of the positional information of a previous section entry point and a next section start address of a next section to be reproduced following reproduction of a currently reproduction section as specified in the present claims 135, 139, 143, 147, 151, and 155-161. (See Saita et al's claim 1, section 3).

It would have been obvious to one skilled in the art to modify the Cookson et al's apparatus wherein the reproduction control information provided thereof (See the pointers shown in Cookson et al's Figure 7b) would incorporate the capability of having positional information of a previous section entry point and a next section start address of a next section to be reproduced following reproduction of a currently reproduction section in the same conventional manner as is shown by Saita et al. The motivation is to have a better accessing control of the recorded data during reproduction operation as suggested by Saita et al.

With regard to claims 112, 118, 129, the feature of reproducing from the recording medium the multiplexed information of the video information and the control information and demultiplexing the multiplexed information, and further the feature of linking the reproduced sections from the recording medium to generate at least one of the programs versions, and the feature of the path information including positional information indicative of a next section to be reproduced following reproduction of the

currently reproduced section as specified thereof is present in Cookson et al. (See Cookson et al's Figure 2, and claim 2).

With regards to claims 136-138, 140-142, 144-146, 148-150, and 152-154, the feature of the path information including positional information indicative of a section start or end of a reproduced section as specified thereof would be present in the cited reference of Cookson et al. Because, Cookson et al already discloses the capability of jumping from one section to a next section so as to sequentially reproduce a version of the program. (See Cookson et al's claim 2).

### ***Response to Arguments***

6. Applicant's arguments filed 4/28/06 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in that the claimed invention now recites computer readable media, or a processor readable information carrier, and that the claimed subject matter is now statutory, Examiner disagrees. It is noted that the claimed invention only recites nonfunctional descriptive material stored in a computer readable medium and that merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

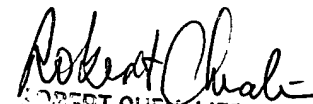
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier  
June 13, 2006.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER